

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KENNETH W. CLARK,)	4:13CV3075
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
JEFFRE CHEVVRONT, et al.,)	
)	
Defendants.)	

This matter is before the court on Plaintiff's Notice of Appeal (filing no. [13](#)) and Motion for Leave to Appeal in Forma Pauperis ("IFP") (filing no. [21](#)). On September 6, 2013, the court concluded Plaintiff had shown excusable neglect for filing an untimely notice of appeal. (Filing No. [20](#).) However, at that time Plaintiff had failed to pay appellate filing fee, or submit a motion to proceed IFP. (*Id.*; See also Docket Sheet.) Thus, the court gave Plaintiff until October 7, 2013, to either submit the \$455.00 appellate filing fee or a motion to proceed IFP, with the required affidavit. (*Id.*) In accordance with the court's September 6, 2013, Memorandum and Order, Plaintiff filed a Motion for Leave to Appeal IFP on September 17, 2013. (Filing No. [21](#).) Upon review of Plaintiff's Motion, the court finds that Plaintiff is financially eligible to appeal in forma pauperis.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Appeal in Forma Pauperis (filing no. [21](#)) is granted.
2. The Clerk of the court shall provide the Court of Appeals with a copy of this Memorandum and Order.

DATED this 24th day of September, 2013.

BY THE COURT:

s/ John M. Gerrard

United States District Judge

*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.